

AMENDED IN SENATE MAY 24, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 711

Introduced by Assembly Member Emmerson

February 22, 2007

An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, as amended, Emmerson. Contractors: landscape contractors.

Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensing and regulation of contractors. Existing law authorizes a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a swimming pool, spa, or hot tub, provided that the improvements are included within a landscape project that the landscape contractor is supervising and are subcontracted to a single licensed swimming pool contractor or are performed by the landscape contractor who is a licensed swimming pool contractor. Existing law specifies various acts and omissions that constitute grounds for disciplinary action against a licensed contractor, and authorizes the Registrar of Contractors to deny an application for licensure or renewal of licensure, issue a citation, or suspend or revoke a license or registration for any act or omission constituting a cause for disciplinary action.

This bill would authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of an outdoor cooking center or an outdoor fireplace provided that the improvements are included within a *residential* landscape project that the contractor is supervising and that, in the case of an outdoor fireplace, it is not attached to a dwelling. The bill would require any work performed in connection with the construction of the outdoor cooking center or *outdoor* fireplace that is outside of the scope of the landscape contractor classification to be performed by a general *building* contractor, *as specified*, or an appropriately licensed specialty contractor, unless the landscape contractor is also a general *building* contractor or holds an appropriate specialty license classification to perform the work. The bill would provide that a violation of these provisions and related provisions of existing law would be grounds for disciplinary action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7027.5 of the Business and Professions
- 2 Code is amended to read:
- 3 7027.5. (a) A landscape contractor working within the
- 4 classification for which the license is issued may design systems
- 5 or facilities for work to be performed and supervised by that
- 6 contractor.
- 7 (b) Notwithstanding any other provision of this chapter, a
- 8 landscape contractor working within the classification for which
- 9 the license is issued may enter into a prime contract for the
- 10 construction of any of the following:
- 11 (1) A swimming pool, spa, or hot tub provided the improvements
- 12 are included within the landscape project that the landscape
- 13 contractor is supervising and the construction of any swimming
- 14 pool, spa, or hot tub is subcontracted to a single licensed contractor
- 15 holding a Swimming Pool (C-53) classification or performed by
- 16 the landscape contractor if the landscape contractor also holds a
- 17 Swimming Pool (C-53) classification. The contractor constructing
- 18 the swimming pool, spa, or hot tub may subcontract with other
- 19 appropriately licensed contractors for the completion of individual
- 20 components of the construction.

1 (2) An outdoor cooking center, provided that the improvements
2 are included within a *residential* landscape project that the
3 contractor is supervising. For purposes of this subdivision, an
4 “outdoor cooking center” means an unenclosed area within a
5 landscape that is used for the cooking or preparation of food or
6 beverages.

7 (3) An outdoor fireplace, provided that it is included within a
8 *residential* landscape project that the contractor is supervising and
9 is not attached to a dwelling.

10 (4) Any work performed in connection with a *residential*
11 *landscape* project specified in paragraph (2) or (3) that is outside
12 of the field and scope of activities authorized to be performed
13 under the Landscape Contractor classification (C-27), as set forth
14 in Section 832.27 of Title 16 of the California Code of Regulations,
15 may only be performed by a landscape contractor if the landscape
16 contractor also *either* holds an appropriate specialty license
17 classification to perform the work or is licensed as a general
18 *building* contractor. If the landscape contractor ~~does not hold~~
19 *neither holds* an appropriate specialty license classification to
20 perform the work ~~and is not~~ *nor is* licensed as a general *building*
21 contractor, the work shall be performed by a specialty contractor
22 holding the appropriate license classification or by a general
23 *building* contractor *performing work in accordance with the*
24 *requirements of subdivision (b) of Section 7057.*

25 (c) A violation of this section shall be cause for disciplinary
26 action.